



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 17 2007

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of :  
Norman Van Meeteren :  
Serial No.: 10/764,370 : PETITION DECISION  
Filed: January 23, 2004 :  
Attorney Docket No.: 1379-012 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 14, 2006, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and all attachments thereto, submitted to the Patent Office on November 9, 2006, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

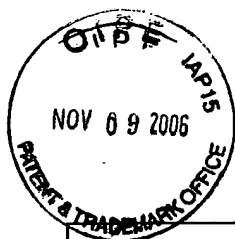
The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper. Also, as stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information will be returned to applicant.

Therefore, applicant's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George Elliott  
Director, Technology Center 1600

A handwritten signature in cursive script that reads "George C. Elliott".

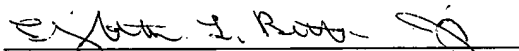


**TRADE SECRET**

|   |                               |                        |
|---|-------------------------------|------------------------|
| <b>IN THE<br/>UNITED STATES<br/>PATENT AND TRADEMARK<br/>OFFICE</b> | <i>Application Number</i>     | 10/764,370             |
|   | <i>Filing Date</i>            | January 23, 2004       |
|   | <i>First Named Inventor</i>   | NORMAN VAN<br>MEETEREN |
|   | <i>Group Art Unit</i>         | 1638                   |
|   | <i>Examiner Name</i>          | A. MEHTA               |
|   | <i>Attorney Docket Number</i> | 1379-012               |
| <i>Title of the Invention:</i> <b>SOYBEAN CULTIVAR SG5322NRR</b>    |                               |                        |

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 9<sup>th</sup> day of November, 2006. The number of the Express Mail mailing label is EV690530439US.

  
Elizabeth L. Bennett-Jarvis  
Reg. No. 53,982

**REQUEST FOR INFORMATION UNDER 37 C.F.R. §1.105**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Request for Information mailed August 10, 2006, please see responses below.

**TRADE SECRET**

## **TRADE SECRET**

Application No. 10/764,370

Amendment dated November 9, 2006

Request for Information dated August 10, 2006

Page 2

The Examiner states the following as the reason for the Request for Information under 37 C.F.R. §1.105:

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Applicant is claiming a seed comprising at least 50% of the genome of soybean line SG5322NRR, and soybean plants produced in methods that comprise performing crosses with soybean plant SG5322NRR. However, the instant specification is silent about what starting materials and methods were used to produce soybean line SG5322NRR.

Applicant has submitted a response to the Request for Information so as to expedite prosecution of the application.

**3 (i).** Original parental soybean lines used to produce soybean cultivar SG5322NRR:  
FFR665 and FFR RT517

Other designations/denominations for parental soybean lines: None

Regarding the lineage of the original parental lines back to any publicly available varieties, Applicant submits that the lineage of the original parents of the present invention does not contain any public lines that are similar in genotype to the present invention.

**3 (ii).** Method and steps used to produce soybean cultivar SG5322NRR:

Modified Single Seed Descent

1) The  $F_1$  generation was selfed and advanced to  $F_2$ .

2) The  $F_2$  generation was advanced to  $F_4$  by using Modified Single Seed Descent.

3)  $F_4$  and  $F_5$  plants were selfed and selected in each generation. The instant invention was derived from  $F_5$  experimental number line 48491.

**TRADE SECRET**

**TRADE SECRET**

Application No. 10/764,370

Amendment dated November 9, 2006

Request for Information dated August 10, 2006

Page 3

4) The experimental line was then tested in replicated plots at many locations for 3 years before release.

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3 (iii). Have parental soybean lines or progeny been disclosed or made publicly available?

FFR665 was publicly sold in 1995

FFR RT517 was publicly sold in 1997

3 (iv). Were any other soybean cultivars produced by the same method using the original parental soybean lines?

NO

**TRADE SECRET**

# TRADE SECRET

Application No. 10/764,370

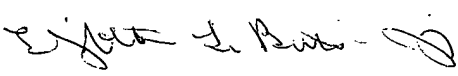
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Request for Information dated August 10, 2006

Page 4

## REMARKS

In view of the above information, it is submitted that the Applicant has satisfied the Request for Information under 37 C.F.R. §1.105. All of this information is a Trade Secret and applicant has marked this Reply to Request for Information as "Trade Secret". Additionally, Applicant has submitted this Reply in compliance with MPEP §724. Reconsideration of this application and an early notice of allowance are respectfully requested.

|   |  |           |              |          |                  |
|---|--|-----------|--------------|----------|------------------|
| <b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</b> |  |           |              |          |                  |
| NAME AND REG. NUMBER                                      | Elizabeth L. Bennett-Jarvis, Reg. No. 53,982                                       |           |              |          |                  |
| SIGNATURE   |  |           |              | DATE     | November 9, 2006 |
| Address   | Jondle & Associates P.C.<br>858 Happy Canyon Road, Suite 230                       |           |              |          |                  |
| City  | Castle Rock  | State     | CO           | Zip Code | 80108            |
| Country   | U.S.A.   | Telephone | 303-799-6444 | Fax      | 303-799-6898     |

TRADE SECRET

|   |                               |                     |
|---|-------------------------------|---------------------|
| <b>IN THE<br/>UNITED STATES<br/>PATENT AND TRADEMARK<br/>OFFICE</b> | <i>Application Number</i>     | 10/764,370          |
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|   | <i>Group Art Unit</i>         | 1638                |
|   | <i>Examiner Name</i>          | A. Mehta            |
|   | <i>Attorney Docket Number</i> | 1379-012            |
| <i>Title of the Invention:</i> <b>SOYBEAN CULTIVAR SG5322NRR</b>    |                               |                     |

**PETITION FOR EXPUNGEMENT OF INFORMATION UNDER 37 C.F.R. §1.59**

Mail Stop Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

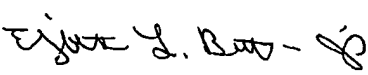
We have not received a Notice of Allowance on the above identified application. Applicant requests Expungement of Information under 37 C.F.R. §1.59 to expunge the Reply to Request for Information under 37 C.F.R. §1.105 submitted on November 9, 2006 in the above identified application. Expungement of this information is appropriate because the Reply to Request for Information contains information that is a **TRADE SECRET** and has not been made public. Applicant will retain such information for the period of the life of the patent for which this information has been submitted. This petition to expunge is being submitted on behalf of the party in interest who originally submitted the information. Also attached is the appropriate fee of **\$200** as set forth in 37 C.F.R. §1.17(g) for a petition under 37 C.F.R. §1.59(b). Please charge any additional fees or credit any overpayment for the payment of the Petition for Expungement of Information to deposit account number 50-2368.

Application No. 10/764,370

Reply to Request for Information dated November 9, 2006

Petition for Expungement dated December 14, 2006

Page 2

|  |   |           |              |          |                   |
|--|---|-----------|--------------|----------|-------------------|
| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED |   |           |              |          |                   |
| NAME AND<br>REG. NUMBER                            | ELIZABETH BENNETT-JARVIS, Reg. No. 53,982   |           |              |          |                   |
| SIGNATURE  |  |           |              | DATE     | December 14, 2006 |
| Address  | Jondle & Associates P.C.<br>858 Happy Canyon Road, Suite 230                      |           |              |          |                   |
| City   | Castle Rock   | State     | CO           | Zip Code | 80108             |
| Country  | U.S.A.  | Telephone | 303-799-6444 | Fax      | 303-799-6898      |